

EXHIBIT 2

1 Mark C. Mao, CA Bar No. 236165
2 Sean P. Rodriguez, CA Bar No. 262437
3 Beko Richardson, CA Bar No. 238027
4 **BOIES SCHILLER FLEXNER LLP**
5 44 Montgomery St., 41st Floor
6 San Francisco, CA 94104
7 Tel.: (415) 293-6800
8 Fax: (415) 293-6899
9 mmao@bsfllp.com
10 srodriguez@bsfllp.com
11 brichardson@bsfllp.com

William S. Carmody (admitted *pro hac vice*)
Shawn Rabin (admitted *pro hac vice*)
Steven M. Shepard (admitted *pro hac vice*)
SUSMAN GODFREY L.L.P.
1301 Avenue of the Americas, 32nd Floor
New York, NY 10019-6023
Tel.: (212) 336-8330
Fax: (212) 336-8340
bcarmody@susmangodfrey.com
srabin@susmangodfrey.com
sshepard@susmangodfrey.com

8 James Lee (admitted *pro hac vice*)
9 Rossana Baeza (admitted *pro hac vice*)
10 **BOIES SCHILLER FLEXNER LLP**
11 100 SE 2nd St., 28th Floor
12 Miami, FL 33131
13 Tel.: (305) 539-8400
14 Fax: (303) 539-1307
15 jlee@bsflp.com
16 rbaeza@bsflp.com

John A. Yanchunis (admitted *pro hac vice*)
Ryan J. McGee (admitted *pro hac vice*)
MORGAN & MORGAN
201 N. Franklin Street, 7th Floor
Tampa, FL 33602
Tel.: (813) 223-5505
jyanchunis@forthepeople.com
rmcgee@forthepeople.com

14 Amanda K. Bonn, CA Bar No. 270891
15 **SUSMAN GODFREY L.L.P**
16 1900 Avenue of the Stars, Suite 1400
17 Los Angeles, CA. 90067
Tel: (310) 789-3100
Fax: (310) 789-3150
abonn@susmangodfrey.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

22 CHASOM BROWN, MARIA NGUYEN,
23 WILLIAM BYATT, JEREMY DAVIS, and
CHRISTOPHER CASTILLO, individually and
on behalf of all other similarly situated,

Case No. 5:20-cv-03664-LHK

PLAINTIFFS' REQUESTS FOR ADMISSIONS TO DEFENDANT GOOGLE LLC, SET ONE

Plaintiffs,

25 || v.

26 || GOOGLE LLC,

Defendant.

1 Propounding Party: Plaintiffs Chasom Brown, Maria Nguyen, William Byatt, Jeremy Davis,
2 and Christopher Castillo

3 Responding Party: Defendant Google LLC

4 Set No.: One

5 Pursuant to Federal Rules of Civil Procedure 26 and 36, Plaintiffs Chasom Brown, Maria
6 Nguyen, William Byatt, Jeremy Davis, and Christopher Castillo (“Plaintiffs”) hereby submit the
7 following requests for admissions to Defendant Google LLC (“Google”). Each request is to be
8 read in accordance with the Definitions and Instructions that follow. Responses are due within
9 thirty (30) days of service.

10 **DEFINITIONS**

11 1. The term “ALL” includes the word “ANY,” and vice versa.

12 2. The term “COMMUNICATION” is to be construed in the broadest possible sense,
13 and includes, but is not limited to, any transmission of information in any form and of any kind,
14 including electronic, oral, or written transmission, whether such was by chance, prearranged,
15 formal or informal, including conversations in person, notes of conversations, letters, electronic
16 mail, telephone conversations, facsimile transmissions, correspondence or memoranda, formal
17 statements, press releases or newspaper articles.

18 3. The term “CONCERNING” includes addressing, analyzing, concerning,
19 constituting, containing, commenting on, discussing, describing, identifying, in connection with,
20 referring to, reflecting, relating, relating to, reporting on, stating, or dealing with, in whole or in
21 part, in addition to their customary and usual meanings, and shall be construed in the broadest
22 sense possible.

23 4. The term “GOOGLE” means GOOGLE LLC and any of its directors, officers,
24 consultants, agents, representatives, predecessors in interest, subsidiaries, assignees, licensees,
25 employees, attorneys and any other persons acting on GOOGLE LLC’S behalf, including
26 contractors.

27 5. The term “INCLUDE” or “INCLUDING” means “include, but not limited to” or
28 “including, but not limited to.”

1 6. The term “PERSON(S)” includes without limitation any natural person, firm,
2 association, organization, partnership, business, trust, corporation, or public entity. Any reference
3 to a PERSON that is a business entity and is not otherwise defined INCLUDES that PERSON’s
4 predecessors, if any (INCLUDING any pre-existing PERSON that at any time became part of that
5 entity after merger or acquisition), successors, parents divisions, subsidiaries, affiliates,
6 franchisors and franchisees, and any other PERSON acting for or on behalf of them.

7 7. The term “PLAINTIFFS” mean Chasom Brown, Maria Nguyen, William Byatt,
8 Jeremy Davis, and Christopher Castillo.

9 8. The term “REGULATORS” includes all government agencies and regulators that
10 have requested documents or information from Google and/or initiated any investigation or action
11 concerning Google’s data collection practices and disclosures, including without limitation the
12 Department of Justice, the Federal Trade Commission, the Arizona Attorney General (*State of*
13 *Arizona ex rel. Mark Brnovich, Attorney General v. Google LLC*, No. CV 2020-006219 (Ariz.
14 Superior Ct. 2020)), the Attorneys General of Texas and California, the Australian Competition
15 & Consumer Commission, and the Commission Nationale de l’Informatique et des Libertés
16 (“CNIL”). For purposes of this Request, Documents should be read broadly to include any written
17 responses and privilege logs submitted by Google to the Regulators.

18 9. The term “YOU” or “YOUR” means or refers to DEFENDANT GOOGLE LLC,
19 and any of his or their attorneys, agents, representatives, predecessors, successors, assigns, and
20 any PERSONs acting or purporting to act on his or their behalf.

GENERAL INSTRUCTIONS

22 1. For each of the following requests, respond either "Admit" or "Deny."

23 2. If objection is made, the reasons therefore shall be stated.

24 3. The answer shall specifically deny the matter or set forth in detail the reasons why

25 the answering party cannot truthfully admit or deny the matter.

26 4. A denial shall fairly meet the substance of the requested admission and when good
27 faith requires that a party qualify an answer or deny only part of the matter of which an admission
28 is requested, the party shall specify so much if it is true and qualify or deny the remainder..

1 5. An answering party may not give lack of information or knowledge as a reason for
2 failure to admit or deny unless the party states that the party has made reasonable inquire and the
3 information known or readily obtainable by the party is insufficient to enable the party to admit
4 or deny.

5 6. A party who considers that a matter of which an admission has been requested
6 presents a genuine issue for trial may not, on that ground alone object to the request; the
7 responding party must set forth the reasons why the party cannot admit or deny.

8 7. For purposes of reading, interpreting, or construing the scope of the
9 DEFINITIONS, INSTRUCTIONS, and REQUESTS, all of the terms shall be given their most
10 expansive and inclusive interpretation. This INCLUDES the following:

11 (a) The singular form of a word shall be interpreted as plural and vice versa.

12 (b) “And,” “or,” as well as “and/or” shall be construed either disjunctively or

13 conjunctively as necessary to bring within the scope of the Request any

14 response that might otherwise be construed to be outside the scope of the

15 Request.

16 (c) “All,” “each” and “any” shall be construed as “all, each, and any.”

17 (d) The masculine form of a word shall be interpreted as and shall include the

18 feminine and vice versa.

19 (e) The use of a verb in any particular tense shall be construed as the use of

20 the verb in all other tenses as necessary to bring within the scope of the

21 Request any response that might otherwise be construed to be outside the

22 scope of the Request.

23 8. Your obligations under these requests for admissions are intended to be
24 continuing; therefore, if you obtain information or evidence that modifies any answer, you are
25 required to submit an amended response.

REQUESTS FOR ADMISSIONS, SET ONE

REQUEST FOR ADMISISON NO. 1:

28 Since at least June 1, 2016, Google has been collecting user data from users' private

1 browsing mode communications, including Incognito mode communications.

2 **REQUEST FOR ADMISSION NO. 2:**

3 Since at least June 1, 2016, when users in a private browsing mode (such as Incognito mode)
4 visit a website that uses Google advertising services, a Google script attempts to cause (and in fact
5 has caused) users' browsers to send data to Google's servers.

6 **REQUEST FOR ADMISSION NO. 3:**

7 Since at least June 1, 2016, Google has not disclosed to users that when users in a private
8 browsing mode (including Incognito mode) visit a website that uses Google advertising services, a
9 Google script attempts to cause (and in fact has caused) users' browsers to send user data to
10 Google's servers.

11 **REQUEST FOR ADMISSION NO. 4:**

12 Since at least June 1, 2016, nothing on Google's Incognito mode splash screen disclosed
13 that Google would collect data generated by users' Incognito mode web activity.

14 **REQUEST FOR ADMISSION NO. 5:**

15 Since at least June 1, 2016, nothing on Google's Incognito mode splash screen disclosed
16 that Google could track a user while he or she is in Incognito mode.

17 **REQUEST FOR ADMISSION NO. 6:**

18 Since at least June 1, 2016, the data collected by Google in connection with users' private
19 browsing mode communications (including Incognito mode communications) has included without
20 limitation the user's IP address, URLs identifying what the user is viewing, referral URLs that
21 identify what a user last viewed, and user search queries.

22 **REQUEST FOR ADMISSION NO. 7:**

23 Since at least June 1, 2016, Google has been creating profiles for targeted advertising using
24 data collected in connection with private browsing mode communications, including Incognito
25 mode communications.

26 **REQUEST FOR ADMISSION NO. 8:**

27 Since at least June 1, 2016, Google has not disclosed to users that it has been creating
28 profiles for targeted advertising using data collected while users are in a private browsing mode.

1 **REQUEST FOR ADMISSION NO. 9:**

2 Since at least June 1, 2016, Google has attempted to associate (and in fact has associated)
3 data generated by users' private browsing mode activities with users' individual Google accounts.

4 **REQUEST FOR ADMISSION NO. 10:**

5 Since at least June 1, 2016, Google has not disclosed that it has attempted to associate (and
6 in fact has associated) data generated by users' private browsing mode activities with users'
7 individual Google accounts.

8 **REQUEST FOR ADMISSION NO. 11:**

9 Since at least June 1, 2016, Google has been earning advertising revenues using data that
10 Google collected in connection with private browsing mode communications, including Incognito
11 mode communications.

13 Dated: October 7, 2020

Respectfully submitted,

14 **BOIES SCHILLER FLEXNER LLP**

15 By: 
16 Mark C. Mao

17 Mark C. Mao, CA Bar No. 236165
18 Sean P. Rodriguez, CA Bar No. 262437
19 Beko Richardson, CA Bar No. 238027
20 **BOIES SCHILLER FLEXNER LLP**
21 44 Montgomery St., 41st Floor
22 San Francisco, CA 94104
23 Tel.: (415) 293-6800
24 Fax: (415) 293-6899
25 mmao@bsflp.com
26 srodriguez@bsflp.com
27 brichardson@bsflp.com

28 James Lee (admitted *pro hac vice*)
29 Rossana Baeza (admitted *pro hac vice*)
30 **BOIES SCHILLER FLEXNER LLP**
31 100 SE 2nd St., 28th Floor
32 Miami, FL 33131
33 Tel.: (305) 539-8400
34 Fax: (303) 539-1307

1 jlee@bsfllp.com
2 rbaeza@bsfllp.com

3 Amanda K. Bonn, CA Bar No. 270891
4 **SUSMAN GODFREY L.L.P.**
5 1900 Avenue of the Stars, Suite 1400
6 Los Angeles, CA. 90067
7 Tel: (310) 789-3100
8 Fax: (310) 789-3150
9 abonn@susmangodfrey.com

10 William S. Carmody (admitted *pro hac vice*)
11 Shawn Rabin (admitted *pro hac vice*)
12 Steven M. Shepard (admitted *pro hac vice*)
13 **SUSMAN GODFREY L.L.P.**
14 1301 Avenue of the Americas, 32nd Floor
15 New York, NY 10019-6023
16 Tel.: (212) 336-8330
17 Fax: (212) 336-8340
18 bcarmody@susmangodfrey.com
srabin@susmangodfrey.com
sshepard@susmangodfrey.com

19 John A. Yanchunis (admitted *pro hac vice*)
20 Ryan J. McGee (admitted *pro hac vice*)
21 **MORGAN & MORGAN**
22 201 N. Franklin Street, 7th Floor
23 Tampa, FL 33602
24 Tel.: (813) 223-5505
25 jyanchunis@forthepeople.com
26 rmcgee@forthepeople.com

27 *Attorneys for Plaintiffs*

PROOF OF SERVICE

I, Vicky L. Ayala, declare:

I am a citizen of the United States and employed in the City and County of San Francisco, CA. I am over the age of 18 and not a party to the within action; my business address is 44 Montgomery St., 41st Floor, San Francisco, CA 94104.

On October 7, 2020, I served the following document(s) described as:

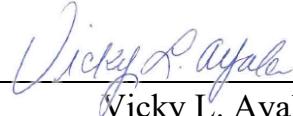
**PLAINTIFFS' REQUESTS FOR ADMISSIONS TO DEFENDANT
GOOGLE, LLC, SET ONE**

- BY FACSIMILE TRANSMISSION:** As follows: The papers have been transmitted to a facsimile machine by the person on whom it is served at the facsimile machine telephone number as last given by that person on any document which he or she has filed in the cause and served on the party making the service. The copy of the notice or other paper served by facsimile transmission shall bear a notation of the date and place of transmission and the facsimile telephone number to which transmitted or be accompanied by an unsigned copy of the affidavit or certificate of transmission which shall contain the facsimile telephone number to which the notice or other paper was transmitted to the addressee(s).
- BY MAIL:** As follows: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, CA, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- BY OVERNIGHT MAIL:** As follows: I am readily familiar with the firm's practice of collection and processing correspondence for overnight mailing. Under that practice, it would be deposited with overnight mail on that same day prepaid at San Francisco, CA in the ordinary course of business.
- BY ELECTRONIC MAIL TRANSMISSION:** By electronic mail transmission from vayala@bsflp.com on October 7, 2020, by transmitting a PDF format copy of such document(s) to each such person at the e-mail address(es) listed below their address(es). The document(s) was/were transmitted by electronic transmission and such transmission was reported as complete and without error.

<p>2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>	<p>Andrew H. Schapiro (<i>pro hac vice</i>) Quinn Emanuel Urquhart & Sullivan, LLP 191 N. Wacker Drive, Suite 2700 Chicago, IL 60606 Tel: 312-705-7400 Fax: 312-705-7401 andrewschapiro@quinnmanuel.com</p>	<p><i>Attorney for Defendant</i></p>
	<p>Stephen A. Broome Viola Trebicka Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 Tel: 213-443-3000 Fax: 213-443-3100 stephenbroome@quinnmanuel.com violatrebicka@quinnmanuel.com</p>	<p><i>Attorneys for Defendant</i></p>
	<p>Diane M. Doolittle Thao Thai Quinn Emanuel Urquhart & Sullivan, LLP 555 Twin Dolphin Drive, 5th Floor Redwood Shores, CA 94065 Tel: 650-801-5000 Fax: 650-8015100 dianedoolittle@quinnmanuel.com thaothai@quinnmanuel.com</p>	<p><i>Attorneys for Defendant</i></p>
	<p>William Burck (<i>pro hac vice</i>) Josef Ansorge (<i>pro hac vice</i>) Quinn Emanuel Urquhart & Sullivan, LLP 1300 I Street NW, Suite 900 Washington, D.C., 20005 Tel: 202-538-8000 Fax: 202-538-8100 wiliamburck@quinnmanuel.com josefansorge@quinnmanuel.com</p>	<p><i>Attorneys for Defendant</i></p>
	<p>Jonathan Tse Quinn Emanuel Urquhart & Sullivan, LLP 50 California Street, 22nd Floor San Francisco, CA 94111 Tel: 415-875-6600 Fax: 415-875-6700 jonathantse@quinnmanuel.com</p>	<p><i>Attorney for Defendant</i></p>

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on October 7, 2020, at San Francisco, CA.


Vicky L. Ayala

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Case No. 5:20-cv-03664-LHK

PROOF OF SERVICE